



#12/ltr. re:

Restart  
PATENT  
TECHNOLOGY CENTER 2800  
ATTORNEY DOCKET NO. 051480-5012  
FEB 14/02

Attorney Docket No. 051480-5012

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Andreas VOIGT, et al. )  
U.S. Application No.: 09/529,010 ) Group Art Unit: 2834  
Filed: 22 November 2000 ) Examiner: Dougherty, T.  
For: PIEZOELECTRIC ACTUATOR UNIT )

**PETITION TO RESET A PERIOD FOR REPLY  
DUE TO LATE RECEIPT OF AN OFFICE ACTION**

Commissioner for Patents  
Washington, DC 20231

Sir:

Applicant respectfully petitions to reset the period for reply to the Office Action dated 28 December 2001. M.P.E.P. §710.06 sets forth that “[i]n the event that correspondence from the Office is received late (A) due to delays in the U.S. Postal Service...applicants may petition to reset the period for reply.”

The Office Action dated 28 December 2001 set a shortened statutory period for replying that expires on 28 March 2002. However, as evidenced by the enclosed copy of the PTO-90C Form, the Office Action was received at the correspondence address (as designated by Customer Number 009629) on 30 January 2002.

Each piece of mail that is received at the correspondence address is processed in the mailroom of Applicants' representatives. The processing includes opening the mailing enclosure (i.e., envelope, box, etc.), removing the contents of the mailing enclosure, and stamping the first page of the contents with a “RECEIVED” date. In the case of mailings received from the U.S. Patent and Trademark Office, the date stamped contents and their mailing enclosure are additionally processed. The additional processing includes electronic docketing and stamping the first page of the contents with a docketed indication, which is annotated to include a “Docketed” date, assigned “Attorney,” “Due Date,” and “Action” due.

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Thus, the Office Action mailed from the U.S. Patent and Trademark Office on 28 December 2001 was not received until 30 January 2002, as evidenced by the mailroom and docketing stamps on the PTO-90C Form. Hence, at least 1 month of the 3-month reply period had elapsed on the date of receipt.

It is respectfully submitted that this Petition is timely filed within 2 weeks of the date of receipt of the Office Action at the correspondence address and a substantial portion of the set reply period had elapsed on the date of receipt. Accordingly, Applicants respectfully petition to restart the previously-set three-month period for reply to the Office Action to run from the date of receipt of the Office Action at the correspondence address.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: 1 February 2002

By: Scott J. Anchell  
Scott J. Anchell  
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Customer No.: 009629  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

FEB -6 2002

APPLICATION NO.	FILING DATE	TECHNICAL FIELD	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,010	11/22/2000		Andreas Voigt	051480-5017	1235

9629 7590 12/28/2001  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

EXAMINER

DOUGHERTY, THOMAS M

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 12/28/2001



Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 1-30-02 Attorney DWL/SJA  
Case 57480-5017  
Due Date 3-28-02  
Action Amendment Due  
By SOW Chk TGG

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JAN 30 2002

MORGAN, LEWIS & BOCKUS LLP



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Dear Patent Practitioner,

The USPTO and the patent community have experienced considerable difficulties since mid-October 2001 due to delays in the delivery of mail by the US Postal Service. I want to assure you that the USPTO is making every effort to deal with this situation in ways that avoid any undue burden upon applicants. Over the last few weeks we have seen an increase in the volume of backlogged mail being delivered and we are working very hard to process this mail as quickly as possible. I ask that you bear with us during this challenge and work with us to the extent possible to minimize the impact of these mail delays.

Unfortunately the decontamination process has damaged some of the mail recently delivered to the USPTO. For example, some patent application papers and drawings including photographs have been stuck together and cannot be separated. Some computer discs have been damaged. Some labels have been blackened so that the text on them cannot be read and some papers have been yellowed and are brittle. The amount of damaged mail is small, about 5%, and the senders are being contacted to supply a duplicate when necessary. Additionally, no application is being held abandoned without us first calling the applicant to ensure that a reply has not been delayed in the mail.

I also understand that there has also been some concern from practitioners that outgoing mail from the Office may have been delayed in some instances. Currently, the USPTO is requesting that applicants follow the procedure set forth in Manual of Patent Examining Procedure (MPEP) 710.06 to establish a delay in receipt of mail if they want to request that the period for reply be reset.

Please consult the USPTO Internet web site (<http://www.uspto.gov>) for updated information on Technology Center facsimile numbers, surface mail alternatives, and other announcements concerning mail delays. Some notices related to the mail delays that have been recently posted on the USPTO web site are listed on the attached table. Section 511 of the MPEP will be revised to state that in the event of a postal emergency an announcement will be placed on the USPTO web site. Note also that the entry of a paper into an application file can be confirmed by checking the PAIR system via our Electronic Business Center on our web site.

Questions related to mail difficulties should be directed to the Office of Patent Legal Administration, by telephone at (703) 308-6906. Alternatively, the questions may be sent via e-mail to [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

Thank you for your continued cooperation as we deal with this difficult situation.

1/16/02  
Date

*Nicholas P. Godici*  
NICHOLAS P. GODICI  
Commissioner for Patents

Enclosure: Table of Recent Notices